IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23437 of 2004

Between:

K. Ramulamma, W/o. K. Venkateswarlu,
Shop No.15, R/o. Midthur Village & Mandal, Kurnool District.

... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool.
3 The Mandal Revenue Officer, Midthur Mandal,

Kurnool District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or direction, preferable to the nature of Writ of Mandamus declaring the action of the 2nd respondent in suspending the Petitioner's authorization for the Fair Price Shop No. 15 of Midthur Village and Mandal Kurnool District by issuing impugned Suspension order in Rc.B.1619/2004, dt. 2-12-2004 on flimsy and untenable grounds only yielding to the political pressures and further action of the 1st Respondent in not considering the appeal filed by the petitioner, as illegal, arbitrary and violation of Article 14, 19, 21 of Constitution of India and consequently set aside the above stated impugned proceedings of the 2nd respondent with a further direction to the respondents to continue the petitioner as Fair Price Shop dealer.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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O R D E R:

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The petitioner is dealer of Fair Price Shop No.15 of Midthur village and Mandal, Kurnool District. The second respondent suspended her authorization, through proceedings dated 2.12.2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent. She also filed an application seeking interim orders. It is represented that no orders have been passed so far by the first respondent, and the petitioner seeks appropriate directions to enable her to function as Fair Price Shop dealer in the meanwhile.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended on the allegation that the petitioner is charging 25 paise more for each kilogram of rice and that there is discrepancy as to stocks. It was also alleged that the authorization of the petitioner expired by 31.03.2001, and that there was short supply of commodities to certain card holders. The truth or otherwise of these allegations needs to be dealt with in the enquiry that may have to be held by the second respondent. The failure to dispose of the application for stay, pending the disposal of the appeal, or delay in disposal of the same, may in fact defeat the very purpose of preferring the appeal. The second respondent appears to have been impressed more upon the representations made by certain villagers during the visit of the Collector. The suspension is not stated to be either pending enquiry, or for any limited period. In the absence of such stipulation, it deserves to be taken as a substantive punishment. Under Clause 5 (4) of A.P. State Public Distribution System Control Order, 2001, such a measure can be taken only after issuing a notice and conducting enquiry. At any rate, there is no allegation against the petitioner that she has diverted the essential commodities to black market. Further, the petitioner has placed before this Court, a copy of the challan, through which the requisite amount for renewal of the authorization is said to have been remitted. Taking all these circumstances into account, this Court feels it appropriate to continue the petitioner till the first respondent disposes of the

appeal.

Hence, the writ petition is disposed of, directing that the order dated 2.12.2004 passed by the second respondent, suspending the authorization of the petitioner, shall stand stayed till the disposal of the appeal by the first respondent. There shall be no order as to costs.

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16th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool.
3 The Mandal Revenue Officer, Midthur Mandal,

Kurnool District.

4 Two C.Cs. to the Govt.Pleader for Civil Supplies,

High Court building, Hyderabad (OUT)

5 Two CD copies